

Response to Office Action of: 11/22/2005
Response Dated: 12/20/2005
Title: System, Method, And Computer Program Product
For Configuring And Purchasing A Medical Device

App. No.: 09/893,535
Inventor: Arbogast et al.
Examiner: Dilek B. Cobanoglu

REMARKS/ARGUMENTS

Attorney Docket Number

Applicant respectfully requests that the Attorney Docket Number for the present case be changed from "204302US30" to "OHI 1717-008A." Applicant also respectfully requests that the Examiner use this new docket number in all future correspondence relating to the present application.

Restriction Requirement

The Examiner issued an restriction requirement in the present case. The Examiner has identified the claims of the present application as being directed to three different inventions:

- Invention I: (claims 1-39, 46-49, 65-69 and 80-82) - directed to a system for configuring a medical device, classified in class 705, subclass 02;
- Invention II: (claims 40-45) - directed to a method for outsourcing a medical device by querying, classified in class 707, subclass 04; and
- Invention III: (claims 50-64, 70-79 and 83-85) - directed to a computer program product or system for data collection, classified in class 707, subclass 104.1.

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In order to comply with 35 U.S.C. § 121, Applicants provisionally elect, with traverse, to prosecute Group I (claims 1-39, 46-49, 65-69 and 80-82). Applicants' election is made without prejudice.

Applicants respectfully disagree with the breadth of the present restriction requirement. More particularly, Applicants respectfully assert that at least the claims of Inventions I and III may properly be examined in the same application in light of their similar characteristics.

Claims 1-39, 46-49, 65-69 and 80-82 are directed to a system and method of configuring a medical device. In general, these claims describe a system or method that allows a user to configure a medical device by storing information relating to a plurality of medical device components, and using patient specific information to derive from the stored medical device information a number of particular components that correspond to a medical device that will meet the needs of the patient. As the Examiner correctly asserts, claims 50-64, 70-79 and 83-85 are directed to a computer program product or system for data collection. However, these claims are not drawn to a generic computer program product or a generic system for collecting data. Rather, the claims of Invention III are directed to computer program products and data collection systems that are used specifically in the configuration of a medical device.

As such, claims 50-64, 70-79 and 83-85 are very similar in nature to claims 1-39, 46-49, 65-69 and 80-82. For example, claims 50-64 and 83-85 include means to store information relating to a plurality of medical device components, and to use patient specific information to derive from the stored medical device information a number of

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particular components that correspond to a medical device that will meet the needs of the patient. Claims 70-79 similarly relate patient information to medical device components.

Consequently, although Applicants believe Inventions I and III to be patentably distinct, searching and examining both Invention I and Invention III in a single application would not be unduly burdensome on the Examiner. Therefore, Applicant respectfully requests that at least Invention I and Invention III be examined together in the present application.

Respectfully submitted,

Date: 12-20-05

By: _____


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